

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ILLINOIS CENTRAL RAILROAD COMPANY PLAINTIFF

VERSUS CIVIL ACTION NO. 5:06-cv-160-DCB-JMR

WILLIE R. HARRIED, a/k/a WILLIAM
ROY HARRIED, AND WILLIAM S. GUY
AND THOMAS W. BROCK DEFENDANTS

CONSOLIDATED WITH

ILLINOIS CENTRAL RAILROAD COMPANY PLAINTIFF

VERSUS CIVIL ACTION NO. 5:07-cv-18-DCB-JMR

WARREN R. TURNER, WILLIAM S. GUY
AND THOMAS W. BROCK DEFENDANTS

ORDER DENYING MOTION FOR JUDGMENT AS A MATTER OF LAW

This cause comes before the Court on the Defendants William Guy's and Thomas Brock's Ore Tenus Motion for Judgment as a Matter of Law on the issue of punitive damages pursuant to Federal Rule of Civil Procedure 50. Having carefully considered the Defendants' Motion, the evidence presented, applicable statutory and case law, and being otherwise fully advised in the premises, the Court finds and orders as follows:

The jury found, by clear and convincing evidence, that Guy and Brock committed actual fraud against the Plaintiff, see Miss. Code Ann. § 11-1-65(1)(a), and awarded the Plaintiff compensatory damages in the amount of \$210,00.00. The Court finds that there was sufficient evidence to meet the required "clear and convincing" standard, and further finds that the evidence was such that the

issue of punitive damages was properly submitted to the jury.

Accordingly,

IT IS HEREBY ORDERED that the defendants' Ore Tenus Motion for a Judgement as a Matter of Law on punitive damages pursuant to Federal Rule of Civil Procedure 50 is **DENIED**.

SO ORDERED AND ADJUDGED this the 23rd day of March 2010.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE